THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :20418 OF 2007

DATED:28-09-2007

BETWEEN:

P.Guravamma & 3 others.

..... PETITIONERS

AND

The District Collector,
Chittoor District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents evicting the petitioners without following due process of law from the lands of an extent of Ac.1.15 cents in Sy.No.368/2 of Annaswamipalli village, Renigunta mandal, Chittoor District, as illegal and arbitrary.

3. It is the case of the petitioners that they are in occupation of an extent of Ac.1.15 cents for the last fifteen years by paying cist and raising crops but the respondents without following due process of law taking steps to evict them contrary to the Board Standing Orders 15 and 26. It is stated that they have also given representations for grant of pattas in respect of the said land in their occupation but the said representations have not been considered and disposed of so far.

4. Learned Government Pleader, on obtaining instructions, submits that Sy.No.368/2 consisting of Ac.6.82 cents is classified as 'Anadeenam Waste Dry' land. It is a Government land and as per the village accounts of Annaswamipalli village, Renigunta mandal, the Mandal Parishad Elementary School & Zilla Parishad High School is existing in an extent of Ac.0.30 cents; residential houses in Ac.1.52 cents; Telugu Ganga pipeline in Ac.0.50; roads

from village to agriculture fields in Ac.0.70 cents; and an extent of Ac.2.05 cents is used by the villagers for storage of cattle, dung, and garbage; and Ac.1.75 cents is a vacant site. It is stated that the vacant site of Ac.1.75 cents is proposed for issuance of house site pattas to the beneficiaries under 'Indiramma Housing Programme' as the said site is situated adjacent to the existing Annaswami village. It is stated that the said land is vacant land and the same is not in occupation and possession of the petitioners and the entire land is free from encroachments.

5. In view of the aforesaid instructions I am unable to express any opinion with regard to the rival contentions as the disputed questions of facts cannot be decided by this Court. However, as the representations, dated 09-04-2007,
10-08-2007, and 19-09-2007 are said to have been filed before the respondents, the same may be considered and disposed of by the 3rd respondent.

6. Accordingly, Writ Petition is disposed of as indicated above. No order as to costs.

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V.ESWARAIAH,J

28th September, 2007.
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